

**NURSING HOME ADMINISTRATOR EXAMINING BOARD  
MINUTES  
JUNE 17 2004**

**TELEPHONE:** Dr. Robert Kessler, Jerry Schallock, Mary Ann Clark, Mary K. Lease, Patricia Schulz (via telephone), Roxann Sobek (via telephone), and Patricia Benesh (via telephone)

**EXCUSED:** David Egan and Robert Mulder Jr.

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, Pat Schenck, Program Assistant, Steven Gloe, Legal Counsel and Division of Enforcement Staff

**CALL TO ORDER**

Jerry Schallock, Chair, called the meeting to order at 9:45 a.m. A quorum of seven members was present.

**AGENDA**

**MOTION:** Robert Kessler moved, seconded by Patricia Schulz, to approve the agenda as written. Motion carried unanimously.

**APPROVAL OF MINUTES OF MARCH 18, 2004**

**MOTION:** Robert Kessler moved, seconded by Mary Ann Clark, to approve the minutes of March 18, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT  
JERRY LOWRIE, BUREAU DIRECTOR, BUSINESS, AND DESIGN  
BOARD ROSTER**

Add election of Vice Chair to replace Robert F. Mulder, Jr. to the September 16, 2004 agenda.

**2004 MEETING DATES**

Noted.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES**

Mr. Lowrie discussed the summary reports, pending court cases, disciplinary cases, administrative rules and the press release with the new Board members.

**TRAVEL**  
**NAB 2004 ANNUAL MEETING, NEW YORK, NY, JUNE 16-18, 2004 - REPORT**

David Egan is attending the NAB 2004 Annual Meeting in New York at this time and will give a report at the next scheduled Board meeting on September 16, 2004.

**NAB 2004 MID-YEAR MEETING, NOVEMBER 3 - 5, 2004 THE SUNBURST RESORT,  
SCOTTSDALE, AZ**

Postponed to the September 16, 2004 Board meeting.

**NAB 2005 ANNUAL MEETING JUNE 15 - 17, 2005 SHERATON BOSTON HOTEL  
BOSTON, MA**

Postponed to the September 16, 2004 Board meeting.

**LEGISLATIVE UPDATE**  
**HFS 132 AND 134 – NOTICE OF HEARING**

Jerry Schallock reported that the rule is progressing and there will be hearings throughout the State in July. Rules should go into effect shortly after the hearings. Ch. HFS 132 relates to the licensure and regulation of nursing homes and ch. HFS 134 relates to the licensure and regulation of facilities serving people with developmental disabilities who require active treatment, including facilities owned and operated by the state, a county, a municipality, or another public body.

Ms. Schultz discussed the purpose of revisions to ch. HFS 132 and ch. HFS 134. The Department of Bureau of Quality Assurance administers these rules. The Department proposes to promulgate these rule modifications through a single “long-term care” facility rulemaking order. The changes modify some errors and ambiguities in the existing rules that have little or no substantive effect on entities regulated under these chapters, eliminate rules that have become outdated due to changes in federal regulations or related state or federal laws and updates existing policies in the rules to recognize changes in service delivery and technology.

The proposed language for the “Resident and Staff Communication” section replaces the prescriptive requirements of the conventional hard-wired nurse call system. New language incorporates a generic allowance to provide a means for residents to communicate with facility staff that can be activated from the residents’ rooms. The Department will encourage nursing facilities to adopt modern design and new program concepts by proposing to eliminate the requirements for a centralized nurse station and eliminate overly prescriptive rules where possible. It is striving to make the rules more reflective of and compatible with comparable federal regulations, and has a new proposal for new standards for pain management issues. Currently there are no federal regulations that specifically address pain management issues.

Mr. Egan is serving on the committee that is reviewing the proposed rule changes. Mr. Lowrie reported that there is a hearing scheduled on June 30, 2004, Rm. B139, DHFS, 1 West Wilson St, Madison, WI.

## **ADMINISTRATIVE RULES**

None at this time.

## **PRACTICE ISSUES UNAUTHORIZED PRACTICE OF LAW**

Mr. Lowrie summarized the background history on what the State Bar is trying to accomplish before the Supreme Court. The Supreme Court is considering appointing a committee to promulgate rules and establish a regulatory system related to the unauthorized practice of law. The State Bar wants a committee to establish a new definition of law and to define what is and is not the practice of law. The new definition of law may have an impact on how professions within our Department can conduct business. Some of the practices may constitute the unauthorized practice of law because they may be giving legal advice. The Supreme Court will notify the Department of any changes.

## **REINSTATEMENT/RENEWAL DISCUSSION OF CONDUCTING BACKGROUND CHECKS**

The Nursing Home Administrator Board has requested that the Department explore the issue of what it would take to implement criminal background checks on new applicants, reinstatement applicants and out-of-state applicants and to look into restrictions and rules regarding background checks. Currently, the Department does not conduct a background check on out-of-state applicants or on reinstatement applicants whose licensees have been lapsed for a few years

Mr. Gloe announced that the Legislature passed an act amending ch 440 stats. this past spring. Wisconsin Act 151 charges the Board with investigating the issue of background checks and the Department in promulgating rules for each of the professions. The Department was seeking broad authority to conduct background checks. The legislature passed it in a format by profession justification, as health and safety is not an issue with some professions so not all professions will be required to have an extensive background check. The effective date of the statute is the end of July. An emergency rule is in the drafting process in order to continue with the standards of practice for applications

The Board discussed fingerprinting and having background checks go through the Department of Justice. There is a digital fingerprinting process. The Department of Justice encourages fingerprints as well as names. Fingerprinting will allow for a nation wide check.

The Department will keep the Board apprised of changes and updates. Background checks will not be authorized for all professions only on those that affect the public, health, and safety of the public.

## **EDUCATION/EXAMINATION ISSUES**

The Board reviewed classes taught by Len Meysembourg, NHA and his request for continuing education credits.

**MOTION:** Patricia Schultz moved, seconded by Mary Ann Clark to approve 24 continuing education credits for classes Len Meysembourg has taught in the last two years based on curriculum submitted less the elementary math class. Motion carried unanimously.

Lydia Bridge brought before the Board a request from Sherry Goodman requesting credit for contact hours for a 3-credit course she completed through the UW Extension, "Introduction to Psychology".

**MOTION:** Patricia Schulz moved, seconded by Mary Lease to accept the recommendation of the Chair to grant 10 credit hours for Sherry Goodman without setting a precedent that this is the value that the Board will use in the future. That the Board looks at this at a future date to determine what should be the appropriate number of continuing education credits per college credit course. Motion carried unanimously

Mr. Schallock requested that granting continuing education credits per college credit course be added to the September 16, 2004 agenda for further discussion.

## **BOARD MEMBER ACTIVITY**

None.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION-NEW LICENSE FORMAT BLUE LICENSES**

Mr. Lowrie updated the new Board members on the new look for renewal licenses and temporary licenses issued by the Department.

## **NEW BUSINESS**

None

## **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF THE AGENDA**

Mark Herman presented the proposed stipulation in the matter concerning Steven Sterzneger.

## **CLOSED SESSION**

**MOTION:** Mary Ann Clark moved, seconded by Robert Kessler, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Roll Call Vote: Dr. Robert Kessler-yes; Roxann Sobek-yes; Patricia Schulz-yes; Mary Ann Clark-yes; Jerry Schallock-yes; Mary K. Lease-yes; Patricia Benesh-yes. Motion carried unanimously.

Open Session recessed at 10:45 a.m.

The Board deliberated on pending applications, case closings, monitoring issues, and an administrative warning in Closed Session.

## **RECONVENE IN OPEN SESSION**

**MOTION:** Patricia Schulz moved, seconded by Patricia Benesh, to reconvene in Open Session at 11:10 a.m. Motion carried unanimously.

## **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

### **CASE CLOSINGS**

None.

### **MONITORING**

#### **VINCENT BERGSTROM 01 NHA 018**

**MOTION:** Robert Kessler moved, seconded by Patricia Schulz, to grant Vincent Bergstrom request for a 3-month stay of suspension. Motion carried unanimously

### **STIPULATION**

#### **STEVEN R. STERZINGER 03 NHA 021**

Mark Herman Atty. presented the proposed stipulation in the matter concerning Steven R. Sterzinger 03 NHA 021.

**MOTION:** Robert Kessler moved, seconded by Patricia Schulz, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Steven R. Sterzinger 03 NHA 021. Motion carried unanimously

**MARK C. RADMER 00 NHA 002**

**MOTION:** Mary Ann Clark moved, seconded by Patricia Schulz, to adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning Mark C. Radmer 00 NHA 002. Case Advisor David Egan. Motion carried unanimously

**PENDING APPLICATIONS**

Judy Mender brought before the Board a question regarding an applicant's hours of practice. The Board suggested that the applicant apply to write the exam and come in by experience hours so the Board can review his experience hours.

**OTHER SUCH ITEMS AS AUTHORIZED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Robert Kessler, moved, seconded by Mary Lease, to adjourn the meeting at 11:15 a.m. Motion carried unanimously

**NEXT MEETINGS: September 16, 2004**

**Suggested Agenda Items for September 16, 2004:**

- Election of Vice Chair to replace Robert Mulder Jr. Chair
- Granting of continuing education credits per college credit courses.
- NAB 2004 Annual Meeting, New York, NY June 16-18, 2004 – David Egan Report
- NAB 2004 Mid-Year Meeting, November 3 - 5, 2004 The Sunburst Resort, Scottsdale, Az
- NAB 2005 Annual Meeting June 15 - 17, 2005 Sheraton Boston Hotel Boston, Ma
- *(Will not be able to attend both meetings FY 05, must decide on one)*